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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,328	09/29/2000	Darrell A. Poirier	006-110-300	2009

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WORCESTER, MA 016092797

EXAMINER

CHAWAN, VIJAY B

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,328

Applicant(s)

POIRIER, DARRELL A.

Examiner

Vijay B. Chawan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

2.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc:
The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.
- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or

step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

4. The disclosure is objected to because of the following informalities:

- There is no brief description of drawings. See cited patents for the format.
- There is no description of drawings in the specification that clearly corresponds to the drawings. Please see cited patents for the proper format, as to how the drawings should be incorporated in the

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specification. Reference to figures in parenthesis should be corrected and incorporated into the body of the specification.

- There should be references to the flow charts for the drawings.
- If the flowcharts for the processes are to be considered as drawings, they should be properly labeled as such, and each block should be labeled and referred to in the specification as to their functionality.

Please see cited references as to the format.

Appropriate correction is required.

Drawings

5. New corrected drawings are required in this application because, there should be references to the flow charts for the drawings, and, if the flowcharts for the processes are to be considered as drawings, they should be properly labeled as such, and each block should be labeled and referred to in the specification as to their functionality. Please see cited references as to the format. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

6. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-21, including 2, 3, 10, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 2 and 3, it is not clear what the applicant means by "certain files". In claim 10, it is not clear what the applicant means by "... using known parameters to statistically create the unknown parameters of a user." Also, it is not clear what constitutes "known" and "unknown" parameters.

9. Claim 18 recites the limitation "voice class" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Epstein et al., (6,327,343).

As per claim 1, Epstein et al., teach a computer system adapted to transcribe spoken words of a user into corresponding textual words or computer commands, comprising:

- a) a first computer (Figure 1, item 12);
- b) a second computer (Figure 1, item 10);
- c) transcription software in the first computer that adapts to the voice of a user by producing and using a voice model (Figure 2, item 22); and,
- d) transferring means for transferring the voice model to the second computer to adapt the second computer to the voice of the user (Col.2, lines 1-14).

As per claim 2, Epstein et al., teach a computer system as recited in claim 1, wherein the voice model includes certain files, and modification of certain files (Col.8, lines 36-65).

As per claim 3, Epstein et al., teach a computer system as recited in claim 1, wherein transferring means includes the copying of certain files, and modification of certain files (Col.8, lines 36-65).

As per claim 4, Epstein et al., teach a computer system as recited in claim 1, wherein transferring means includes copying the voice model to removable media (Col.15, lines 19-43).

As per claim 5, Epstein et al., teach a computer system as recited in claim 1, wherein transferring means includes model over an electronic link (Col.6, lines 30-43).

As per claim 6, Epstein et al., teach a computer system as recited in claim 1, wherein transferring means includes model over an electronic network (Col.6, lines 30-43).

As per claim 7, Epstein et al., teach a computer system as recited in claim 1, wherein at least one of the computers includes a recognition means which recognizes the user's identity and selects and uses the correct voice model (Col.5, lines 9-22).

As per claim 8, Epstein et al., teach a computer system adapted to transcribe spoken words of a user into corresponding textual words or computer commands, comprising:

- a) a computer (Figure 1, item 12);
- b) a plurality of voice models each of which corresponds to the voice of one of several users (Col.1, lines 62 – 67, Col.2, lines 42-45);
- c) transcription software in the computer that adapts to the voice of a user by employing one of the voice models (Col.2, lines 42 - 58); and,
- d) recognition means for recognizing the voice of the user, and causes the corresponding voice model to be used by the transcription software to transcribe user's words (Col.2, lines 42-58).

As per claim 9, Epstein et al., teach a computer system adapted to transcribe spoken words of a user into corresponding textual words or computer commands, comprising:

- a) a computer (Figure 1, item 12);
- b) a plurality of voice models each of which corresponds to the voice of one of several classes of human voices (Col.1, lines 62-67, Col.2, lines 42-45);
- c) transcription software in the computer that adapts to the voice of a user by employing one of the voice models (Col.2, lines 42-58); and,

d) classification means for recognizing the class to which the user belongs, and causing the corresponding voice model to be used by the transcription software to transcribe user's words (Col.2, lines 42-58).

As per claim 10, Epstein et al., teach a computer system as recited in claim 9, wherein a voice model is synthesized using known parameters to statistically create the unknown parameters of a user (Col.8, lines 1-65).

As per claim 11, Epstein et al., teach a computer system adapted to transcribe spoken human words of a user into corresponding textual words or computer commands, comprising:

- a) a computer (Figure 1, item 12);
- b) transcription software in the computer (Figure 2, item 22);
- c) an accuracy object that monitors and produces an accuracy output corresponding to the accuracy output corresponding to the accuracy of the transcription (Col.10, lines 38 - 50);
- d) a speed object that monitors and produces a speed output corresponding to the speed of the transcription (Col.10, lines 38 - 50, Col.9, lines 57-67).
- e) a combining object that combines the accuracy output and the speed output to produce an effectiveness output that corresponds to the transcription effectiveness of the computer (Col.9, lines 57-67, Col.10, lines 38 - 60); and,
- f) a display object that displays the effectiveness output of the transcription (Col.6, lines 7-25).

As per claim 12, Epstein et al., teach a system for rating and comparing the effectiveness of a computer system in transcription of spoken human words of a user into corresponding textual words or computer commands, comprising:

- a) a plurality of computer systems, each having a different hardware and software configuration (Figure 1, item 12, Figure 1, item 10);
- b) transcription software in each computer (Figure 2, item 22);
- c) an accuracy object that monitors and produces an accuracy output corresponding to the accuracy output corresponding to the accuracy of the transcription (Col.10, lines 38 - 50);
- d) a speed object that monitors and produces a speed output corresponding to the speed of the transcription (Col.10, lines 38 – 50, Col.9, lines 57-67).
- e) a combining object that combines the accuracy output and the speed output to produce an effectiveness output that corresponds to the transcription effectiveness of the computer (Col.9, lines 57-67, Col.10, lines 38 - 60); and,
- f) a display object that displays the effectiveness output of the transcription (Col.6, lines 7-25).

As per claim 15, Epstein et al., teach a compact computer system adapted to transcribe spoken human words of a user into corresponding textual words or computer commands, comprising:

- a) a powerful, compact computer (Figure 1, item 12); and,

b) transcription software in the computer that causes the transcription (Figure 2, item 22).

As per claim 14, Epstein et al., teach a computer system adapted to transcribe spoken human words of a user into corresponding textual words or computer commands, comprising:

- a) a first computer (Figure 1, item 12);
- b) a second computer (Fig. 1, item 12);
- c) a storage device adapted to store a plurality of adaption objects which is remote from the second computer (Figure 2, item 10);
- d) a first communication link which communicatively connects the first computer to the storage device (Figure 3A, item 116);
- e) a second communication link which communicatively connects the second computer to the storage device (Figure 2, item 20);
- f) transcription software in the first computer that adapts to the voice of a user by producing an adaption object (Figure 2, item 32);
- g) first transfer means for transferring the adaption object to the storage device (Figure 2, items 20, 24, 32);
- h) transcription software in the second computer that adapts to the voice of a user by using the adaption object (Figure 2, items 20, 24, 32); and,

i) second transfer means for transferring the adaption object from the storage device to the second computer to adapt the second computer to the voice of the user (Figure 2, items 20, 24, 32, 14, 12, and 10).

As per claim 15, Epstein et al., teach a computer system as recited in claim 14, wherein the storage device is a server on a global computer network and the transfers take place over the global computer network (Figure 2, item 10).

As per claim 16, Epstein et al., teach a voice mail system adapted to transcribe spoken human words of a user into corresponding textual words and store them in that form, comprising:

a) a voice input device that converts spoken human words into an electrical signal (Col.3, lines 22-51);

b) a computer (Figure 1, item 12);

c) transcription software in the computer that employs a voice model to transcribe the signal into corresponding textual words (Figure 1, item 18, Figure 2, item 32);

d) a text storage device (Figure 1, item 12, contains memory storage to store compressed/decompressed data);

e) transferring means for transferring the textual words from the computer to the storage device (Figure 2, item 20).

As per claim 17, Epstein et al., teach a voice mail system as recited in claim 16, that includes a plurality of voice models including one which corresponds to the

user, and a matching means which means which identifies the user and causes use of the voice model of the user (Figure 2, items 10, 22, 30).

As per claim 18, Epstein et al., teach a voice mail system as recited in claim 16, that includes a plurality of voice models including one which corresponds to the voice class to which the user belongs, and a matching means which identifies the class of the user and causes use of the voice model of the class of the user (Col.8, lines 36-65).

As per claim 19, Epstein et al., teach a voice mail system as recited in claim 16, that includes accessing means for accessing the textual words in the storage device (Figure 2, items 20, 40, Figure 1, item 18).

As per claim 20, Epstein et al., teach a voice mail system as recited in claim 16, that includes means for transmitting the textual words in the storage device to a destination by means of e-mail (Col.4, lines 34-65).

As per claim 21, Epstein et al., teach a voice mail system as recited in claim 16, that includes means for transmitting the textual words in the storage device to a destination by means of facsimile (Col.4, lines 34-65).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herz (6,029,195) teaches a system for customized electronic identification of desirable objects.

Chandler et al., (6,477,491) teaches a system and method for providing speaker-specific records of statements of speakers.

Brooks et al., (6,477,493) teach an off site voice enrollment on a transcription device for speech recognition.

Dunn et al., (6,073,103) teach a display accessory for a record playback system.

Reynar et al., (6,415,258) teach a background audio recovery system.

Garberg et al., (5,822,727) teach a method for automatic speech recognition in telephony.

Jones (6,175,822) teaches a method and system for providing network based transcription services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (703) 305-3836. The examiner can normally be reached on Monday Through Thursday 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone numbers for the organization where this application or proceeding is

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assigned are (703) 872-9314 for regular communications and (703) 872-9314 for

After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


Vijay B. Chawan 7/21/03
Primary Examiner
Art Unit 2654

vbc
July 21, 2003

VIJAY CHAWAN
PRIMARY EXAMINER